

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GARY J. LOMBARDO,

Plaintiff,

v.

R. L. AYERS, JR., Warden, E.
EVANS, Facility Captain,

Defendants.

No. C 09-0206 JSW (PR)

ORDER OF DISMISSAL


Plaintiff, currently incarcerated at San Quentin State Prison in San Quentin, California, has filed a civil rights complaint under 42 U.S.C. § 1983, regarding his conditions of confinement at the prison. On May 4, 2009, this Court dismissed the amended complaint with leave to file an amended complaint within thirty days of the Court's order. In the Court's order, Plaintiff was notified that failure to amend by the designated time would result in a dismissal of the case.

More than thirty days have passed since May 4, 2009 and Plaintiff has not responded to the Court's order. Accordingly, this case is DISMISSED without prejudice for failure to prosecute and to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b). *See Link v. Wabash R.R.*, 370 U.S. 626, 633 (1962); *McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991). The Clerk shall close the file and enter

1 judgment in this matter.

2 IT IS SO ORDERED.

3 DATED: June 30, 2009

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5 JEFFREY S. WHITE
6 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

GARY J. LOMBARDO,
Plaintiff,

Case Number: CV09-00206 JSW

CERTIFICATE OF SERVICE

v.

R.L. AYERS et al,


Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 30, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Gary Joseph Lombardo
F03275
San Quentin State Prison
San Quentin, CA 94974

Dated: June 30, 2009


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk